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SERVICE DATE - LATE RELEASE JULY 14, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 119X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN ROCK, GREEN AND DANE COUNTIES, WI

Decided: July 14, 1998

By decision served on June 23, 1998, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903, the abandonment by the Union Pacific Railroad Company (UP), of a 15.0-mile line of railroad known as the Harvard Subdivision (herein, the Line), extending from railroad milepost 119.0 near Evansville to railroad milepost 134.0 near "MX", a crossing of Wisconsin & Southern Railroad Company (WSOR), near Madison, in Rock, Green and Dane Counties, WI, subject to trail use, public use, environmental, and standard employee conditions.¹

The exemption is scheduled to become effective on July 23, 1998, unless stayed by the Board or unless a formal offer of financial assistance (OFA) under 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1) was filed by July 2, 1998.

On July 2, 1998, the City of Fitchburg and Village of Oregon Partnership (the Partnership), filed a notice of intent to file an OFA and requested that the 10-day period for filing an OFA be tolled for an additional 60 days. Simultaneously, the Partnership has asked UP to provide it with more information regarding the acquisition costs for both the entire Line and for a portion of the Line. The Partnership states that it is currently seeking grant funds from the Wisconsin Department of Transportation's Freight Railroad Preservation Program. The Partnership states further that it is currently finalizing an application for the program, but that "that application is a lengthy process." The Partnership states, that if the application is successful, it could obtain up to 80 percent of the acquisition costs from the Wisconsin Department of Transportation, although as a joint governmental entity it is considered "financially responsible" under 49 CFR 1152.27(1)(ii)(B).

Under 49 CFR 1152.27(c)(1)(i)(C), the Board will entertain petitions to toll the 10-day period for filing OFAs when a petitioner has failed to provide a potential offeror with the information necessary to the development of its OFA and if that information is not contained in the petition. That seems to be the case here. Accordingly, the time period for filing an OFA in this proceeding will be tolled until August 31, 1998, and the effective date of the abandonment exemption will be further stayed until September 20, 1998.

¹ Notice of the filing of the petition was published in the Federal Register (60 FR 14173-74) on March 24, 1998.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The time period for the Partnership to file an OFA is tolled until August 31, 1998.
2. The effective date of the abandonment exemption is further stayed until September 20, 1998.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary